



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 14 1998

Mr. Robert Flores  
Inspectional Services Sergeant  
Allen Police Department  
Three Allen Civic Plaza  
Allen, Texas 75013

OR98-2429

Dear Mr. Flores:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 118648.

The Allen Police Department (the "department") received a request for all of the department's records pertaining to two named individuals. The requestor is the attorney for both named individuals. You state that the department has provided the requestor with responsive information, including offense reports, information from police blotters, and copies of arrest warrants and affidavits. However, you assert that the remaining records are investigation files that are protected from disclosure under section 552.108 of the Government Code.<sup>1</sup>

Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime. The files at issue concern two criminal cases that you state are pending prosecution by the Collin County District Attorney's Office. Since there is pending criminal prosecution, we agree that you have shown that release of the records at issue would interfere with the investigation or prosecution of crime. Open Records Decision No. 216 at 3 (1978) (release of information during pending criminal case would interfere with prosecution of crime and law enforcement interests). These records therefore may be withheld from disclosure.<sup>2</sup>

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<sup>1</sup>Section 552.108(c) provides that basic offense report information is not protected from disclosure under section 552.108. We assume from your correspondence that basic, front page information concerning these two cases has already been released.

<sup>2</sup>As these records may be withheld from disclosure under section 552.108, we need not address your other arguments against disclosure.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 118648

Enclosures: Submitted documents

cc: Mr. Paul Stuckle  
205 S. Cedar, Suite 300  
Allen, Texas 75002  
(w/o enclosures)